

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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AMERICAN HOME ASSURANCE COMPANY,  
A/S/O OCE PRINTING SYSTEMS GMBH,

07 CV 2883 (NRB) (FM)

Plaintiff,

-against-

EL AL ISRAEL AIRLINES & NORTH  
AMERICAN VAN LINES,

**ANSWER AND  
AFFIRMATIVE DEFENSES**

Defendants.

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Defendant Specialized Transportation, Inc. ("STI"), sued herein as North American Van Lines, answering the Complaint by and through its attorneys, the Law Offices of John C. Lane, alleges upon information and belief as follows:

1. Defendant STI denies knowledge or information sufficient to form a belief as to the allegations contained in Paragraph First of the Complaint.
2. Defendant STI denies knowledge or information sufficient to form a belief as to the allegations contained in Paragraph Second of the Complaint.
3. Defendant STI denies knowledge or information sufficient to form a belief as to the allegations contained in Paragraph Third of the Complaint.
4. In answer to Paragraph Fourth, defendant STI admits that it is a corporation organized and existing under the laws of one of the States of the United States, having its principal office and place of business at 5001 U.S. Highway 30 West, Fort Wayne, Indiana 46801, and that it is engaged in the business of motor carriage of merchandise for hire; defendant STI denies knowledge or information sufficient to form a belief as to the remaining allegations of said

paragraph.

5. In answer to Paragraph Fifth, defendant STI admits that it agreed to carry certain goods from JFK, New York, to Albany, New York, under STI Contract JH9457A, dated April 10, 2005, and all applicable bill of lading and tariff provisions; defendant STI denies knowledge or information sufficient to form a belief as to the remaining allegations of said paragraph.

6. Defendant STI denies the allegations of Paragraph Sixth insofar as they are directed toward defendant STI; defendant STI denies knowledge or information sufficient to form a belief as to the remaining allegations of said paragraph.

7. Defendant STI denies knowledge or information sufficient to form a belief as to the allegations contained in Paragraph Seventh of the Complaint.

8. Defendant STI denies the allegations contained in Paragraph Eighth of the Complaint.

#### **FIRST AFFIRMATIVE DEFENSE**

The Complaint fails to state a claim upon which relief may be granted.

#### **SECOND AFFIRMATIVE DEFENSE**

The Complaint is barred by the failure of plaintiff or its subrogor to make timely and complete notification to defendant STI of the alleged damage, in accordance with applicable tariff provisions.

#### **THIRD AFFIRMATIVE DEFENSE**

The Complaint is barred, or STI's potential liability is limited, pursuant to the applicable terms of the STI bill of lading and the STI tariff, the terms and conditions of which will be exhibited at the time of trial.

#### **FOURTH AFFIRMATIVE DEFENSE**

The Warsaw Convention is not applicable to the STI contract for carriage from JFK, New

York, to Albany, New York.

**FIFTH AFFIRMATIVE DEFENSE**

Any damage to the goods referred to in the Complaint was brought about as the result of inadequate or improper packaging or securement by plaintiff's subrogor or its agents, with no negligence on the part of defendant STI.

**SIXTH AFFIRMATIVE DEFENSE**

Defendant STI was not negligent in the performance of its duties pursuant to Contract JH9457A.

**SEVENTH AFFIRMATIVE DEFENSE**

Any damage to the goods referred to in the Complaint pre-existed the transport by defendant STI.

**EIGHTH AFFIRMATIVE DEFENSE**

Any damage to the goods referred to in the Complaint was incurred during the air shipment from Amsterdam, the Netherlands, to JFK, New York.

**WHEREFORE**, defendant Specialized Transportation, Inc., sued herein as North American Van Lines, demands judgment dismissing the Complaint herein, together with costs and disbursements of this action, and such other and further relief as this Court deems just and proper.

Dated: New York, New York  
June 1, 2007

Yours, etc.  
LAW OFFICES OF JOHN C. LANE

/s/ John C. Lane  
JOHN C. LANE (JL 2569)  
Attorneys for Defendant  
Specialized Transportation, Inc.,  
sued herein as North American Van Lines  
PMB 46013, 140 Broadway, 46<sup>th</sup> Floor  
New York, New York 10005

212-363-8048

TO: Thomas M. Grasso, Esq. (TG3737)  
Kennedy Lillis Schmidt & English  
Attorneys for Plaintiff  
75 Maiden Lane, Suite 402  
New York, New York 10038-4816  
212-430-0800